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Report of the International Atomic Energy Agency

Security Council
Fifty-eighth year

Identical letters dated 14 February 2003 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to convey the attached communication, dated 12 February 2003, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kofi A. **Annan**

03-24944 (E) 140203

Annex

Letter dated 12 February 2003 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I have the honour to refer to the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the International Atomic Energy Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

On 12 February 2003, the Agency's Board of Governors declared that the Democratic People's Republic of Korea was in further non-compliance with its obligations under its Safeguards Agreement pursuant to the NPT. The Board decided, as provided for in article XII C of the Agency's Statute, to report, through the Director General, the non-compliance of the Democratic People's Republic of Korea and the Agency's inability to verify non-diversion of nuclear material that is subject to safeguards to all members of the Agency and to the Security Council and the General Assembly of the United Nations. The Board's resolution is attached to this letter (see enclosure).

I should be grateful if you would bring the present letter and its enclosure to the attention of all Members of the General Assembly and of the Security Council.

(*Signed*) Mohamed **ElBaradei**

Enclosure

Report by the Director General on the implementation of the Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons between the Agency and the Democratic People's Republic of Korea

Resolution adopted by the Board on 12 February 2003

The Board of Governors,

(a) Recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742, and General Conference resolutions GC(XXXVII)/RES/624, GC(XXXVIII)/RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3, GC(44)/RES/26, GC(45)/RES/16, and GC(46)/RES/14,

(b) Also recalling its resolution GOV/2002/60 of 29 November 2002 and resolution GOV/2003/3 of 6 January 2003, and noting that the Democratic People's Republic of Korea (DPRK) has rejected those resolutions and the efforts of the Director General to institute a dialogue pursuant to them,

(c) Confirming that the Agency's Safeguards Agreement with the DPRK pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) remains binding and in force and that it is essential and urgent that the DPRK enable the Agency to take the necessary measures to ensure verification of compliance with that Agreement,

(d) Having considered the report of the Director General (GOV/2003/4) and in particular paragraph 10 which states that the Secretariat remains unable to verify, in accordance with the DPRK's NPT Safeguards Agreement, that there has been no diversion of nuclear material in the DPRK, and

(e) Taking account of the rights and obligations under that Agreement,

1. Expresses deep concern that the DPRK has not undertaken to co-operate urgently and fully with the Agency, and has not taken the necessary steps called for in resolution GOV/2003/3, and calls upon it to do so urgently;

2. Expresses deep concern also that the Agency is not able to verify that there has been no diversion of nuclear material subject to safeguards to nuclear weapons or other nuclear explosive devices;

3 Declares, based on the report of the Director General, that the DPRK is in further non-compliance with its obligations under its Safeguards Agreement with the Agency;

4 Calls upon the DPRK to remedy urgently its non-compliance with its Safeguards Agreement by taking all steps deemed necessary by the Agency;

5 Decides to report, as provided for in Article XII.C. of the Statute, through the Director General, the DPRK's non-compliance and the Agency's inability to verify non-diversion of nuclear material subject to safeguards, to all Members of the Agency and to the Security Council and General Assembly of the United Nations; and in parallel stresses its desire for a peaceful resolution of the DPRK nuclear issue and its support for diplomatic means to that end;

6 Requests the Director General to continue his efforts to implement the Agency's comprehensive Safeguards Agreement with the DPRK and to keep the Board informed of any significant developments; and

7 Decides to remain seized of the matter.

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Letter dated 14 February 2003 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to refer to the comparisons drawn by Security Council members between the successful disarmament process in South Africa and the current efforts under way in Iraq and to present the Council with a South African Government initiative to assist in this process.

Following a visit this week to Iraq by a special envoy of President Thabo Mbeki, Chairman of the Non-Aligned Movement, I wish to inform the Council that Iraq has accepted South Africa's offer to send to Iraq the experts who led the successful South African programme to destroy nuclear, chemical and biological weapons, as well as the missiles for the delivery of these weapons in conditions of combat. The South African team of Government representatives, scientists, engineers and technicians will share with the people of Iraq our experience in disarmament and in how to eradicate weapons of mass destruction, under international supervision. The South African Government has also given Iraq copies of our own legislation dealing with weapons of mass destruction.

I am pleased to attach an excerpt from the announcement made by President Mbeki during his State of the Nation address, delivered in Cape Town this morning (see annex), and I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Dumisani S. **Kumalo**
Ambassador
Permanent Representative

03-24951 (E) 140203

Annex to the letter dated 14 February 2003 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Excerpt from the State of the Nation Address of the President of South Africa, Thabo Mbeki: Houses of Parliament, Cape Town, 14 February 2003

As we speak, a number of our citizens are preparing to travel to Iraq. These are the experts who led our country's programme to destroy our nuclear, chemical and biological weapons of mass destruction, as well as the missiles for the delivery of these weapons in conditions of combat. The work they did has now resulted in the South African example of disarmament being recognized internationally as an example of best international practice.

Recently, we proposed to the Government of Iraq and the Secretary-General of the United Nations, Kofi Annan, that this team should visit Iraq to share with the Government, scientists, engineers, technicians and people of Iraq our experience relevant to the mission of the United Nations and Iraq to eradicate weapons of mass destruction, under international supervision.

I am pleased to inform the honourable Members that Iraq has accepted our offer, which we have already discussed with the leadership of the weapons inspectors. We trust that this intervention will help to ensure the necessary proper cooperation between the United Nations inspectors and Iraq, so that the issue of weapons of mass destruction is addressed satisfactorily, without resort to war.

I would also like to take this opportunity to express our appreciation to the Government of Iraq for its positive response to our suggestion, as well as the recent decisions it has taken to allow the U-2 and other aerial surveillance flights, to encourage its citizens to be interviewed at any location decided by the inspectors without any Iraqi officials present, and to adopt legislation prohibiting the production of weapons of mass destruction.

To assist with regard to this last matter, we have given Iraq copies of our own legislation dealing with weapons of mass destruction, the Non-Proliferation of Weapons of Mass Destruction Act of 1993, and notices and regulations published in terms of the Act in the period between 1997 and 2002.

We have done all this because we prefer peace to war. We have taken the positions we have not to oppose or support any country, nor to seek any glory. We have done what we have because, as South Africans and Africans, we know the pain of war and the immeasurable value of peace. During the last century, South Africans lost their lives in the titanic battles of the First and Second World Wars and the Korean War.

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Letter dated 13 February 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

In accordance with article 39 of the provisional rules of procedure of the Security Council, I have the honour to request the participation of H.E. Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations, in the discussion of the agenda item under consideration by the Council on Iraq, which will start on 18 February 2003.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

03-25065 (E) 180203

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Security Council

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Letter dated 14 February 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1458 (2003) of 28 January 2003 concerning Liberia. In paragraph 6 of the resolution, the Council requested me to appoint, in consultation with the Security Council Committee established pursuant to resolution 1343 (2001), a Panel of Experts consisting of no more than five members, for a period of three months, to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 2 of resolution 1343 (2001), and of any violations of the measures referred to in paragraph 5 of resolution 1408 (2002), including any involving rebel movements, and to conduct a review of the audits referred to in paragraph 10 of resolution 1408 (2002).

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1458 (2003), including that I draw, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1408 (2002), I have appointed the following four experts:

1. Atabou Bodian (Senegal, expert from the International Civil Aviation Organization)

2. Enrico Carisch (Switzerland, expert on financial links)

3. Damien Callamand (France, expert from Interpol)

4. Alex Vines (United Kingdom of Great Britain and Northern Ireland, expert on diamonds).

I have also designated Atabou Bodian to chair the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-24977 (E) 180203